

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of Application Serial No. 78/755527 for
AMERICAN DELI
Published in the Official Gazette on October 2, 2007**

American Deli Plus, Inc.,

Opposer,

vs.

**Yong Lee and Alexander Lee, d/b/a
Clean Pass of Atlanta,**

Applicant.

Opposition No. 91181022

**APPLICANT'S CROSS MOTION FOR SUMMARY JUDGMENT
AGAINST OPPOSITION'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW YONG LEE and ALEXANDER LEE, d/b/a Clean Pass of Atlanta (hereinafter referred to as "Applicant") and tenders Applicants' Applicant's Cross Motion For Summary Judgment Against Opposition's Motion For Summary Judgment in support of Applicant's Motion to Deny The Opposition to Applicant's Trademark Application as tendered by American Deli Plus, Inc. (here in after referred to as the "Opposer"), and shows the Honorable Board as follows in support of Applicants' opposition and rights to approval of the pending trade mark application before the Honorable Board.

I. Pertinent Factual Background

Applicants have applied for the legal trade mark rights to American Deli, based on the purposes of continuing Applicants business operations in which the instant trade mark would be of

the most beneficial benefit for Applicants' business plan and plans for future expansion. At one time, the Opposer agreed to enter into a financial agreement with Applicant as to the instant trade mark¹

II. There Are No Relevant Factors Concerning American Deli Plus, Inc.

Counsel for American Deli Plus, Inc., has stated that the Opposer "has used the American Deli Mark since in or about the 1980s and, consequently, owns common law rights to the mark(s) American Deli collectively, the "American Deli Marks". But has not stated nor shown not a single relevant state or federal law decision supporting this instant legal claim whatsoever.

Hence, the Opposer has, in wilful and fraudulent bad faith, advanced their lateral interest in American Deli, has been ongoing since the "1980s". Again, the inherent problem, as having been clearly shown of this averment, claiming an interest in the instant trade mark since the 1980s is that their corporation was not filed with the Georgia Secretary of State until 2006. See Exhibit "A" as attached to Applicant's **Motion to Deny The Opposition To Applicant's Trademark Application** initial opposition.

The claims, as advanced by the Opposer that the Opposer has had an "ongoing" [interest] since the 1980s" obviously over **TWENTY (20) YEARS** before forming the instant corporation, hence, **IF** the Opposer's interest was supposedly as great as advanced in the Opposer's Opposition being in the "**1980s**" as earlier claimed by the Opposer, then why was Opposer thereafter willing to enter into a financial agreement with the Applicant for the use of the instant trade mark?

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1. Applicant has tendered, in response to Opposer's discovery request, documentation that the Opposer agreed to enter into a financial agreement with Applicant for the use of the instant trade mark, but thereafter started and filed the instant opposition based on Opposer's attorney's claims that Applicant's trade mark application could and would be defeated and the instant opposition came into being and filed.

Likewise, as Exhibit “A”, again, as attached to Applicant’s **Motion to Deny The Opposition To Applicant’s Trademark Application** initial opposition shows there **THREE** (3) other business names with the words “**American Deli**” in the corporate name. None of the three other business names with “American Deli” in their corporate name have been in existence prior to 2006, including the **Opposer forming their corporation in the same year**, excluding the original “American Deli” which was formed in 1994, and dissolved thereafter.

Again, the claims by the Opposer that the Opposer “**used the marks in interstate commerce for more than seven (7) years**,” without providing absolutely any reasonable evidence of the same for the Board’s consideration, leaves the question that since the Opposer did not become a business until 2006, how was the Opposer using the same on some type of product during the five (5) years before establishing the Opposer’s present business operations? The answer to that question can only be answered in the negative versus the illusions that the Opposer advances and wants the same to be considered, without any evidence, as valid.

In light of the fact that the Opposer has wilfully and deliberately advanced obviously false and misleading claims, then Applicant respectfully moves for the Trademark Trial and Appeal Board, to take the unrefutable evidence, as tendered by Applicant into due and valid consideration into total consideration of the Opposers claims and the obvious tendered evidence which shows the same **not to be as valid or legitimate as advanced** and claimed in the Opposer’s Notice of Opposition which has been tendered by counsel in behalf of the Opposer! Likewise, the Opposer’s motion for judgment must and should be anchored upon the same grounds, in light of the foregoing facts of the total lack of valid or reasonable evidence, which the Opposer has not tendered but requests that the claims be accepted as somehow valid nevertheless.

Hence, Applicant respectfully moves for the Honorable Board, to take into due and reasonable consideration that the Opposer has not tendered factual or any reasonable evidence of the Opposer's alleged claims other to advance the same and to expect that the Honorable Board will consider the same valid without any such of the same being presented by evidence other than the written claims by the Opposer of the claims being allegedly true. Since the Opposer has NOT SUPPORTED any of the claims, other than advancing the same in the Opposer's opposition, then it is Applicant's position that in light of the lack of supporting evidence by the Opposer, then the Honorable Board cannot not merely assume that such claims, without absolutely any valid proof are factual in opposition to Applicant's pending petition.

Notwithstanding the Opposer's frivolous opposition, Applicant, out of due consideration of the pending Opposer claims, Applicant checked with the Florida Department of State, Division of Corporations, and there are four (4) companies with the words "American Deli" in the same and the status check of those four (4) companies shows that three (3) of the four are currently inactive. **And the Opposer has not registered with the Florida Division of Corporations, for doing business in the State of Florida**, which would obviously invalidates the Opposer's possible interstate usage in the State of Florida. See Exhibit "B" as attached to Applicant's **Motion to Deny The Opposition To Applicant's Trademark Application** initial opposition.

The Opposer has not offered or may any response to the instant claims dealing with the State of Florida and taking into due consideration of that fact, the same should be legally cast against the Opposer in the instant proceedings, as admitted by Opposer.

Again, Applicant's check with the State of Alabama, Tennessee and South Carolina, likewise shows no legitimate business activities by the Opposer in those states either. Hence the four (4)

states surrounding the State of Georgia shows no legitimate business dealings by the Opposer in any of those states and thus the Opposer's claims of **"interstate commerce for more than seven (7) years" totally lacks any evidence or other valid considerable evidence whatsoever!!!** Nor has the Opposer tendered any such claimed evidence in the instant case to support Opposition's claims of the same being valid or otherwise in either of the aforementioned states or in support of the same.

The Opposer has advanced that **"Opposer has made a substantial investment in advertising and marketing its services under the American Deli Marks."** Yet, if one go on Google, and does a search of American Deli or even American Deli Plus, and **LOW and BEHOLD**, that the Opposer's claims are, **ONCE AGAIN**, of the **same fictitious nature** as to the Opposers claims of **"interstate commerce for more than seven (7) years"** and holds the same **INFLATED CLAIMS!!!!!!** Notwithstanding Applicant's initial response to Opposer's heretofore stated claims, the Opposer **HAS NOT** tendered absolutely any supporting evidence validating any of the instant fictitious claims as advanced in opposition to the instant pending application.

III. Opposers Claims Against Applicant's Application of the instant Trade Mark Are Not Valid and Only Advanced to Avoid Liability to Lateral Liability to Applicant

The Opposer initial and continuing opposition, as advanced certain specific claims against the Applicant's business, without any evidence to the contrary, continues, to wit:

- A. That Applicant's use of the trade mark will, "when and if used in connection with the good set forth in Applicant's application "is likely to cause confusion, or to cause mistake, or to deceive purchasers and potential purchasers."**

In light of the various businesses already using the word "American Deli" and already doing business in the State of Georgia, obviously makes this averment totally frivolous and is being

advanced as an open attempt of preying upon the expected ignorance of the Trademark Trial and Appeal Board as to the instant frivolous allegations, as continued to be advanced pursuant to this frivolous and obvious wilful bad faith averment, i.e., claim by the Opposer.

Again, it should be noted that the Opposer **still has not tendered absolutely any valid or specific evidence supporting any of the foregoing frivolous claims** of the same whatsoever and the Honorable Board should, again take the same into due consideration as to the validity of the instant opposition as being merit less and therefore not an applicable opposition position in the instant proceedings, notwithstanding the Opposer's continuing claims to the otherwise.

B. Opposer's Alleged Branded Services are Widely Recognized and Known and Associated with other Restaurants in Other States.

Once again, based on the **un-refutable evidence** of the other business using and incorporating American Deli, in part or pertinent part, further supports the fact that the Opposer's opposition, upon the totality of the grounds continues, under the totality of the facts, was and is frivolous. Likewise, as heretofore previously advanced, Applicant, again advances that the search of the internet clearly shows that the Opposer's claims are and have been advanced upon the planned ignorance of the Honorable Trademark Trial and Appeal Board accepting the Opposer's averments as truthful versus being advanced in bad faith.

Taking into due consideration the fact that there are businesses in Florida, Alabama as well as South Carolina, which are using American Deli in part for their businesses, further shows that the Opposers claims have been advanced in wilful bad faith opposition so as to avoid liability to the Applicant, versus valid or reasonable.

Again, the Opposer **HAS NOT** tendered any sufficient or valid supporting evidence or proof

of such claims, as advanced by the Opposer, but merely continues to advance to distract the factuality and/or cause undue delay in the approval of Applicant's pending trade mark application so that the Opposer may not have to abide by the granting of Applicant's trade mark rights and the obvious financial costs, which initially agreed to, but thereafter caused the obvious bad faith filing of the instant opposition.

Taking the totality of the Opposers claims, in some parts are or were true, **which the Opposer has not proven the same with absolutely any valid evidence**, but merely advanced in the Opposer's opposition and taking into due consideration those frivolous claims of "interstate commerce for more than seven (7) years" then, why didn't the Opposer applied for said trademark application "years" ago versus their now frivolous opposition claims being advanced in willful bad faith and/or harassment of Applicant's pending application for said trademark.

In light of the totality of the fact, as advanced by Applicant, again, it should also noted that the Applicants have previously had the formal name of American Deli & Crawfish King, in the State of Georgia, in the City of Forest Park, Georgia and requested the use of that name for several years as to that business adventure which was located at 4700 Jonesboro Road, Forest Park, Georgia. See Exhibit "C" as attached to Applicant's initial Opposition response.

C. Applicant's Further Evidence and Supporting Evidence

Appellant respectfully attaches to this motion, additional evidence, which the Honorable Board should review and take into due consideration and the totality of the attached un-refutable evidence which further supports Applicant's cross motion for summary judgment in the instant case. Applicant, once again, advances that the opposition being advanced has not and is not sufficient supported by evidence or other valid evidence with sufficient pierces Applicant's pending

application, but has and continues to be advances for the purposes of avoiding liability for the Opposer's business dealings without taking into due consideration that the Applicant or another person or party would or could apply for the instant trade mark to be used.

IV. Applicant's TradeMark Application and Cross Motion for Summary Judgment is Meritorious and Should Be Granted by the Board

Taking the foregoing into totality of the lack of valid evidence tendered or even offered by the Opposition and the continuing lack of thereof being tendered for the Honorable Board's consideration in the instant proceeding, it is Applicant's position, once again, that the instant opposition has been advanced solely for the purposes of not having to change their name and/or lateral conduct if Applicant's Application is approved and honoring the original agreement for the use of the instant trade name, as applied for by Applicant and recognized by the Opposer, prior to the instant frivolous and unsupported opposition, again and continued to be filled with false and frivolous claims as to the instant trade mark and its falsely alleged use by the Opposer.

Applicant respectfully advances to the Honorable Board, once again, had the Opposer been of such serious concern, then the Opposer would have filed for the instant trademark application instead of this Applicant. Since the Opposer obviously failed to take such conduct into due consideration then it is Applicant's position that the instant opposition, under the totality of the facts and lack of factual evidence not having been tendered by the Opposer, that the Opposer's opposition to the Applicant's trade mark application as tendered should be denied and Applicant's application being approved.

The Opposer has basically taken almost a year and had not tendered any factual or reliable evidence in support of the Opposer's claims, as advanced in the instant opposition and therefore,

taking the same into reasonable consideration bogus claims, which are not supported by any factual evidence other than the illusions, as advanced by the Opposer to avoid the obvious liability to the Applicant if the instant trade mark is granted under the reasonable and factual evidence as before the Honorable Board.

The Opposer's claims under "common law" as advanced are frivolous and taking into the totality of the evidence, facts and that the instant trade mark name application has numerous users of the same, of which not a single other business enterprise has claims or advanced any opposition to the same shows that the "common law" claims, as advanced are frivolous and not legally valid under the totality of the facts and evidence before the Honorable Board.

V. Applicant's Submission of Additional Relevant Evidence

Applicant tenders **Exhibit No. 1.**, which is dated July 26, 2008, an article in which Mr. Kim, states publically that he first stated American Deli in 1992, in a large conference and he also states that he allegedly started American Deli in a South DeKalb County Mall, in Georgia and states in the same that his main product is "Hot Wings."

Applicant tenders **Exhibit No. 2.**, which is dated September 22, 2008, an article in which Mr. Kim states that he registered American Deli trademark 4 years ago and that he moved to New York from Houston in 1986, then moved to Georgia in 1991.

Applicant tenders **Exhibit No. 3.**, which are photocopies of original photo taken in 1989 at Food Show in Atlanta, Georgia. The instant photo of which Applicant's mother as she advertises for our Hot Chix Buffalo Hot Wing Sauce business. This evidences clearly shows that Applicant and family were in the "hot wing" business before Mr. Kim claims which he falsely claims that he started in the 1980's.

Applicant tenders **Exhibit No. 4.**, is further proof of: (1) Certificate of Registration dated April 1, 1991 four Applicant's Buffalo Hot Wing Sauces business; (2) Shipping records dated in 1991 for exporting wing sauce over seas to Pusan, Korea, in which Applicant had a store in that country selling hot wings, etc; (3) Invoice dated April 3, 1991, for Hot Chix Wing Sauce delivered to Applicant in which Applicant had the exclusive rights with that company to business, and; (4) a copy of the front cover menu of Applicant's hot wing store in Pusan, Korea, in which Applicant's store advertised the name of Buffalo Wing Chicken.

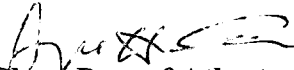
Applicant tenders **Exhibit No. 5.**, evidence that Applicant, in 1999, through 2001, had a business located in Spaulding County, City of Griffin, **American Deli**, which is further proof of the use of the instant name at relevant times, with the same showing that Applicant was using the instant name for hot wings sales to the general public as a business entity which further supports Applicant's legitimate request for the instant trade mark application and constitutes a further valid defense against the Opposer's efforts to stop Applicant's pending trade mark from being approved because the Opposer's obvious lateral liability to Applicant if Applicant's trade mark is approved.

It is Applicant's position that the attached documents further supports Applicant's legal position in the instant case and offers further un-refutable proof that the Opposer's claims against Applicant's pending application are not totally truthful, honest and intended to improperly impede and void Applicant's pending application from being approved, with the Opposition advancing the same so as to financially avoid the obvious lateral liability if Applicant is approved for said trade mark rights, as requested and pending.

Applicants respectfully moves for the denial of the instant opposition motion for summary judgment and grant Applicant's pending petition, upon taking into due consideration all of the

foregoing evidence and facts which supports a denial of said opposition and the granting of Applicant's pending application.

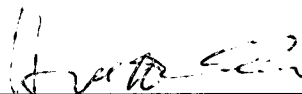
Respectfully submitted,



Clean Pass of Atlanta
Yong Lee and Alexander Lee
Applicant, In Propria Persona
1228 Christiana Xing
Lawrenceville, GA 30043

Certificate of Service

I hereby certify that I have mailed a copy of Applicants' **Secondary Response to Opposition** to Paul T. Kim, Locke Lord Bissell & Liddell, LLP, The Proscenium, Suite 1900, 1170 Peachtree Street, N.E., Atlanta, GA 30309, by placing a copy of the same into an envelope as heretofore address and placed into the United States Mail this 7th day of February, 2009.



Yong Lee. Applicant

**1228 Christiana Xing
Lawrenceville, GA 30043**

중앙경제

2008년 7월 26일 토요일 B-3

“성공 위해선 10년을 기다릴 수도...”

아메리칸 델리 김정춘 대표의 성공담

세무상식에 대한 강의에 이어 아메리칸 델리 창업주인 김정춘(사진) 대표의 경영 노하우를 듣는 순서가 이어졌다. 김 대표는 “비즈니스를 시작하려면 3개월, 혹은 6개월동안 경험을 통해 배우고 시작하는 것이 좋다”며 “성공을 위해선 10년을 기다리는 인내가 필요하다”고 말했다.

그는 자신이 생각하는 비즈니스에 대해 “4+4는 5가 될때도 있고 3이 될때도 있다”고 정의했다. “장사는 수학이 아닙니다. 맞는 공식과 수를 대입했다고 정확한 답이 나올 수 없다는 거죠. 즉 본인의 생각과 욕심과는 상관 없이 돌아가는 것이 장사입니다.”

김 대표는 지난 1992년 사우스 다케스 몰에서 처음으로 아메리칸 델리 1호점을 오픈했다. 아메리칸 델리는 핫윙과 저지방 서브 샌드위치, 그리고 다양한 샐러드를 전문으로 하는 미국식 음식점으로 현재 애틀랜타 지역에 53개 지점을 포함 미 전역에 총 70여개 체인을 보유한 프랜차이즈 업체다.

김 대표는 비즈니스의 성공을 위한 조건으로 첫째도 둘째도, 그리고 셋째도 장소가 중요하다고 강조했다.

“장소의 올바른 선정이 성공여부를 좌우합니다. 현재 애틀랜타 지역에 위치한 50여개 지점은 20번도로와 285도로가 위치한 중간지점에



보장됩니다.”

그는 또 초보자들이 미리 배우고 시작하는 창업을 강조했다. 지난 1979년 도미한 김 대표 자신도 1986~1990년 델리가게에 근무하면서 쌓은 노하우를 바탕으로 아메리칸 델리를 창업해 성공을 이뤘기 때문이다.

을 빌려서 하는 사업은 사기꾼이 되기 쉽습니다. 자기돈으로 시작하세요. 그래야 잃어도 털어버리고 다시 일어설 수 있습니다.”

성공하기까지 걸리는 시간은 얼마나 되느냐는 한 참석자의 질문에 김 대표는 10년이라고 답했다. 그는 “흔히 사업을 시작하고는 바로 돈을 벌려는 사람들이 있다”며 “3년동안의 노하우를 통해 5년을 도전해야 한다”고 말했다. 결국 10년은 꾸준히 사업에 대한 노력과 연구가 이어져야 목돈을 만질 수 있다는 게 김 대표의 지론이다.

그는 지속되고 있는 미국의 불황에 대해서도 말을 이어갔다. “오늘이 힘든 이유는 어제의 준비가 없기 때문입니다. 미래가 항상 어제와 같을 것이라는 생각에 새로운 노력을 하지 않기 때문이죠. 항상 새로운 아이템에 대한 생각과 저축하는 습관이 몸에 배어있어야 합니다. 봄부터 가을까지 나무를 생각해 보세요. 가지만 있다가도 꽃이 피고 열매가 열리듯, 때가 되면 잘될 때가 있고 돈이 벌릴때가 있습니다. 참고 기다리는 인내도 필요합니다.”

그에게 비즈니스는 여자친구와 같다. 아껴고 사랑해야 더 이쁘지고 인기가 높아진다는 것이다.

“낮에도 밤에도 끊임없이 여자친구(비즈니스)를 생각합니다. 프랜차이즈로 지점을 확대할 때에도 잘 키운 딸 시집보내는 기분으로 일합니다. 잘 되면 뿌듯하기도 하구요.”

그저 열심히 일하는 아버지의 뒷모습을 보여 주는 게 제일 좋은 자식교육이라는 김 대표. 내일도 몇 개 지점의 인테리어 공사가 바쁘다며 세

①

1

EXHIBIT "1"

애틀랜타 타임즈

The Atlanta Times

가장 가까이 있는 타임즈
코웨이
519.18

2008년 9월 22일(월요일)

E-mail: info@higoodday.com / www.higoodday.com

Tel. (770) 452-6089 / Fax (770) 452-7548

5725 Buford Hwy., #211 Doraville, GA 30340

한국 최고 판매·발행부수 1위
스포츠서울 제휴

버락시장

Enterprise
Tel. 404-513

안 우물을 깊게 파야 성공

미국인 벨라 김정춘 대표 사업 노하우

갤러리 매장 17개에서 60개로

아메리칸 벨라 김정춘 대표 프랜차이즈 설립



이런 애틀랜타에서 처음 사업을 시작한 '갤러리 앳 사우스 디서' 회사소개를 하고 있다.

가 다른 사람 시기
이렇게 할 거면 한국
하고들 하는데 잘못
요즘에도 오전 7시
이 문 닫는 가게
퇴근한다. 사업가
두 명이다. 하나는
이고 다른 하나는
"마누라처럼 회사
성공한다.

씩 선발 매년 1000달러씩 장학금
을 지급하고 싶다. 각 매장에서 나
오는 수익금의 일부와 본사 후원금
을 합쳐 커뮤니티에 환원하기 위하
서다.

한가지 덧붙인다면 한국에서 태
어났고 미국에서 생활한 만큼 이
후엔 북한에서도 살 수 있는 기회
가 생기면 가고 싶다. 사랑방을 만
들어 거동이 불편하고 아픈 사람에
게 필요한 약도 사다 주고 말동무
를 하거나 공부 필요하면 가르쳐
주고 싶다.

"성경 말씀에 네 이웃을 사랑하
라"는 구절처럼 남한 출신인 나에
게 가장 가까운 이웃은 북한이라고
생각하기 때문이다.

〈김동수 기자〉

전한 것.

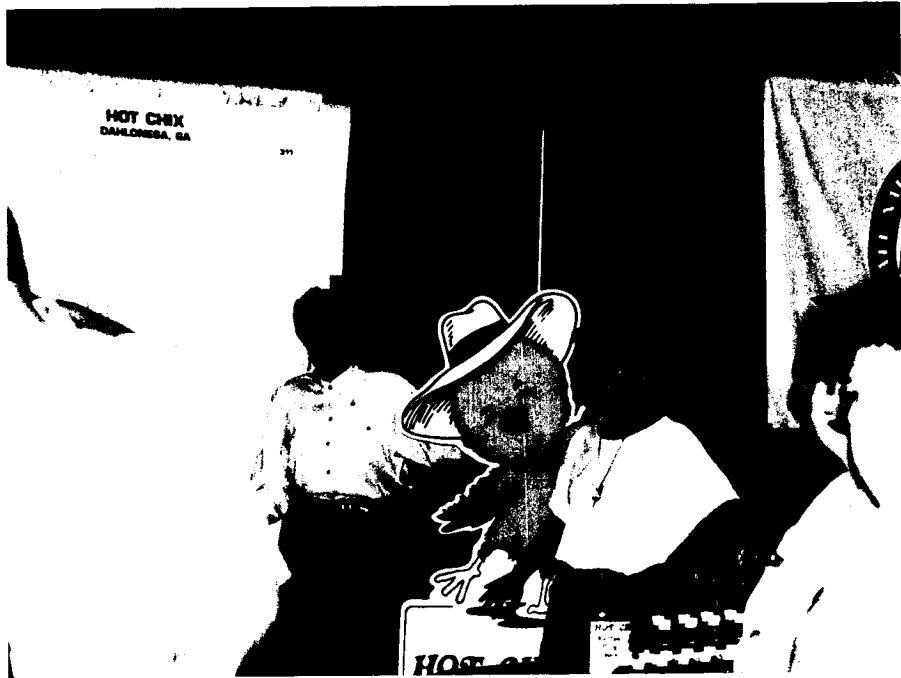
-위기관리

▲지금이 바로 위기라고 본다. 애틀랜타는 지난 96년 올림픽까지 빠
르게 성장했고 지난 2005년까지도

▲사업을 하려면 먼저 직접 현장
에 들어가 배워야 한다. 미국에서
는 종업원이 하루 8시간씩 일하지
만 주인은 일주일에 8시간 이상
씩 일하기도 한다. 그런데도 한인

지 100개 매장을 여는 게 목표다.
후계자로 생각하는 자식에게 사업
을 물려줄 생각이어서 가려고 있
다. 동시에 각 프랜차이즈 매장에서
인간 커뮤니티를 장려할 것

Exhibit 2



#3

"3" + exhibit

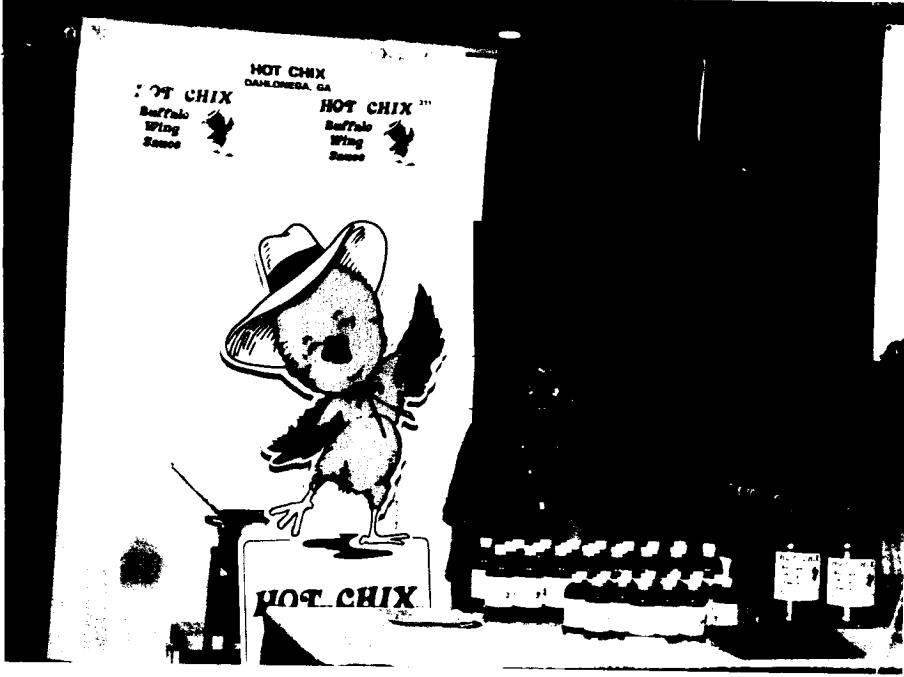


Exhibit "3"

THIS CERTIFICATE MUST BE PUBLICLY DISPLAYED AS PROVIDED BY LAW



STATE OF GEORGIA
DEPARTMENT OF REVENUE
Sales and Use Tax Division

CERTIFICATE OF REGISTRATION

Issued pursuant to the Retailers' and Consumers' Sales and Use Tax Act of 1951, as amended

SAID PERSON NAMED HEREON IS AUTHORIZED AND EMPOWERED TO COLLECT GEORGIA SALES AND USE TAX, METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, LOCAL OPTION, SPECIAL COUNTY AND MOTOR FUEL

STATE TAXPAYER IDENTIFIER	EFFECTIVE DATE	CERTIFICATE NUMBER
20006941982	04-01-91	067-09-27663-7

O J ABC SALES
LEE, OK J
1188 OSCEOLA CT
TUCKER GA 30084

1188 OSCEOLA CT
TUCKER

IMPORTANT

This Certificate is
NON-TRANSFERABLE

See back of this Certificate for
further information
and instructions

Maureen E. Ellsworth
COMMISSIONER OF REVENUE

EACH PLACE OF BUSINESS MUST BE REGISTERED SEPARATELY

Exhibit "4"

NEXT DAY SERVICE



F860464009

Service Guarantees: If this shipment is insured at least under USPS Express Mail[®], service locations or times other than specified during the business day delivery to the addressee, it will be delivered to the addressee or agent before noon + 3:00 p.m. the next day. Upon application by the sender, USPS will refund the postage for this shipment if it is not delivered before noon + 3:00 p.m. the next day unless delivery was attempted but could not be made; or because this shipment was delayed to state of war stoppage. Go visit your local Express Mail delivery for mailing and afternoon delivery areas. See The Domestic Mail Manual[®] Chapter 760, Section 760.11-760.19 for details. Delivery times are based on delivery days and times. Delivery times may vary. Actual delivery times may vary. Express Mail[®] International[®] service locations are not covered by this service guarantee. See the International Mail Manual for details.

Insurance Coverage: Seller warrants 95% of the Domestic Mail Manual (DMM) indications of coverage, such as negotiable terms and to deliver the DMM.

(1) **Merchandise Insurance:** Merchandise is insured against loss, damage, or rising up to a maximum of \$500 (seller will be paid for shortage of perishable items).

(2) **Domestic Predestination:** Issued to Non-negotiable domestic items are insured against loss, damage or rising up to \$500 per piece subject to a limit of \$500,000 (seller's loss).

(3) **International:** Seller pays for negotiable items. Cash carrier's liability is \$15.

Claims:

- Claims to be made within 90 days after date of mailing.
- Claim forms may be obtained and filed at any post office.
- The Customer Receipt must be presented when a claim is filed.

**Waiver of
Signature
and Indemnity
(Domestic Only)**

I wish delivery to be made without obtaining the signature of the addressee or the addressee's agent (if in the judgement of the delivery employee, the article can be left in a secure location) and I authorize the delivery employee to sign that the shipment was delivered and understand that the signature of the delivery employee will constitute valid proof of delivery

SIGNED: _____

CUSTOMER RECEIPT

TO: Telephone Number: 861-8-76
OVERSEAS: BUSAN, KOREA
부산시 동래구 연산9동 587-1번
연산동, 한양아파트 5동
309호. 김민하 김하

24859

Box 46
h/onega, Co

[illegible]

KEEP THIS SLIP FOR REFERENCE

Exhibit 4

RE ROCKET EXPRESS
P.O. Box 45065, Atlanta, GA 30320
I.C.C. MC 159993 404-768-8166

SERVING
GEORGIA LOS ANGELES
NORTH CAROLINA DALLAS
SOUTH CAROLINA PHOENIX
and
The NAFTA System

WAYBILL NO. 160240

INIT. _____
GC ☐
AF ☐

ORIGIN	DATE	DESTINATION
ATL	1/1/81	LA
REFERENCE NUMBER		
UNLESS INDICATED CHARGES TO BE COLLECTED		
PREPAID	COLLECT	THIRD PARTY

SHIPPER D J ABC SALES		CONSIGNEE OVERSEAS SUPPLY CO					
STREET 111 COLELLA CT		STREET 1111 MARSHALL PL					
CITY TUCKER, GA 30084		CITY OAKLAND, CA 94612					
THIRD PARTY ADDRESS		C.O.D.					
NO. PIECES	H/M	UN#	MAWB #	DESCRIPTION AND SPECIAL INSTRUCTIONS	WEIGHT	RATE	COLLECTION FEES
1				HAT SAUCE	3'10		
EX				DELIVER TO CONSIGNEE			
TOTAL							
WEIGHTS SUBJECT TO REWEIGH OR DIMENSIONAL CORRECTION							
RECEIVED BY ROCKET	IGO	PIECES	DATE	TIME	DELIVERED BY	DATE	TIME
1/1/81	<input checked="" type="checkbox"/>	7	1/1	1900 AM			
LOADED BY	IGO	PIECES	STATION	SECTION	CONSIGNEE PRINT	DATE	TIME
	<input type="checkbox"/>						
DECLARED VALUE	CUSTOMER ACCOUNT NO.	STATION	SECTION	CONSIGNEE SIGNATURE			
	001168			X			

WAYBILL NO. 160240 YOUR PATRONAGE IS APPRECIATED

7-SALES COP

Exhibit "4"

RE ROCKET EXPRESS
P.O. Box 45065, Atlanta, GA 30320
I.C.C. MC 159993 404-768-8166

SERVING
GEORGIA LOS ANGELES
NORTH CAROLINA DALLAS
SOUTH CAROLINA PHOENIX
and
The NAFTA System

WAYBILL NO. 136121

INIT. _____
GC ☐
AF ☐

ORIGIN	DATE	DESTINATION
REFERENCE NUMBER		
UNLESS INDICATED CHARGES TO BE COLLECTED		
PREPAID	COLLECT	THIRD PARTY

SHIPPER		CONSIGNEE					
STREET		STREET					
CITY		CITY					
THIRD PARTY ADDRESS		C.O.D.					
NO. PIECES	H/M	UN#	MAWB #	DESCRIPTION AND SPECIAL INSTRUCTIONS	WEIGHT	RATE	COLLECTION FEES
				Deliver to Consignee per m. form			
EX							
TOTAL							
WEIGHTS SUBJECT TO REWEIGH OR DIMENSIONAL CORRECTION							
RECEIVED BY ROCKET	IGO	PIECES	DATE	TIME	DELIVERED BY	DATE	TIME
	<input type="checkbox"/>						
LOADED BY	IGO	PIECES	STATION	SECTION	CONSIGNEE PRINT	DATE	TIME
	<input type="checkbox"/>						

O.P.E.N



**Buffalo
Wing
Chicken**

새로운 치킨 맛의 시작—

버팔로윙치킨

세계 각국에서
선봉적인 인기를 끌고있는
「버팔로윙치킨」 부산본점이
문을 엽니다.

미국에서 직수입한 독특한
소스의 맛과 닭고기중 가장
맛있고 연한 부분인 날개를
고소하게 튀겨서 닭고기 특유의
맛을 한껏 드높인 새로운
맛입니다.

버팔로윙치킨

서사이드호텔

1광안리해수욕장인



● 닭날개후라이 ● 감지썰 ● 음료수
전화를 주시면 맛있게 구워 배달해 드립니다. —

■ 체인점모집 : 757-0248
■ 부산본점 : 광안리마맞가

닭날개튀김 전문점

버팔로윙치킨

체인점모집 : 757-0248
부산본점 : 광안리마맞가

Exhibit "4"

JAN 26, 2009

To Whom it MAY concern:

I MARSHA Eady sold my
Eating establishment to YOUNG LEE
November 15th 2001. Which he
Continued to serve Hot Wing, Buffalo
Wing, Sea Food AND Sandwichs until
the sale of Property.

Marsha A. Eady.

Exhibit "5"

Un-sworn declaration under penalty of perjury

Here comes now, Su Yong Kim pursuant to title 28 section 1746 United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Su Yong Kim, hereby state that the following is completely true and factual, and will be held responsible for all statements. I, Su Yong Kim, hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I, Su Yong Kim, hereby state that Yong Lee used "American Deli" in the county of Spalding for a period of time of 3 Years starting in the year of 1999. I hereby state that this is the truth, and without any false accusation or statements.

Signed on this day 29 of March, 2008.
Day Month Year

Signature: _____

Printed name: _____

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

Here comes now, Lekeshia Barkely pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Lekeshia Barkely hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, Lekeshia Barkely
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Lekeshia Barkely, hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
3 years, starting in the year of 1999. I hereby state that this is the
truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.

Signed on this day 03 of 04 / 08
Day Month Year

Signature: Lekeshia Barkely

Printed name: Lekeshia Barkely

Exhibit "5"

Un-sworn declaration under penalty of perjury

Here comes now, Danny Long pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Danny Long, hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, Danny Long,
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Danny Long, hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
3 years, starting in the year of 1999. I hereby state that this is the
truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.

Signed on this day 3 of 4 / 2008
Day Month Year

Signature: Danny Long

Printed name: Danny Long

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

Here comes now, Rodney Smith pursuant to title 28 section 1746

United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Rodney Smith, hereby state that the following is completely true and factual, and will be held responsible for all statements. I, Rodney Smith, hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I, Rodney Smith, hereby state that Yong Lee used the mark "American Deli" in the county of Spalding in the state of Georgia for a period of time of at least 3 years, starting in the year of 1999. I hereby state that this is the truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are true under penalty and perjury.

Signed on this day 3 of 4 / 2008
Day Month Year

Signature: Rodney Smith

Printed name: Rodney Smith

Exhibit "5"

Un-sworn declaration under penalty of perjury

Here comes now, David Neal pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, David Neal, hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, David Neal,
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
David Neal, hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
(3) years, starting in the year of (1999). I hereby state that this is the
truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.

Signed on this day 03 of 04 / 2008
Day Month Year

Signature: David M. Neal

Printed name: David Neal

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

Here comes now, Young CHANG pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Young CHANG, hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, Young CHANG
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Young CHANG, hereby state that Yong Lee used "American Deli" in the
county of SPALDING for a period of time of 3 Yrs starting
in the year of 1999. I hereby state that this is the truth, and without any
false accusation or false statements.

Signed on this day 28 of march, 08
Day Month Year

Signature: Young K Chang
Printed name: Young CHANG

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

Here comes now, Jerome Miller pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Jerome Miller, hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, Jerome Miller,
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Jerome Miller, hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
3 years, starting in the year of 1999. I hereby state that this is the
truth, and without any false accusation or false statements.

**I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.**

Signed on this day 3 of 4, 2008
Day Month Year

Signature: Jerome S. Miller
Printed name: Jerome S. Miller

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

Here comes now, Charlene Russell pursuant to title 28 section 1746
United States code

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Charlene Russell hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, Charlene Russell
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Charlene Russell hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
3 years, starting in the year of 1999. I hereby state that this is the
truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.

Signed on this day 03 of 02 / 05
Day Month Year

Signature: Charlene Russell

Printed name: Charlene Russell

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

Here comes now, Roxan Walker pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Roxan Walker, hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, Roxan Walker
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Roxan Walker, hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
3 years, starting in the year of 1999. I hereby state that this is the
truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.

Signed on this day 03 of 04 / 2008
Day Month Year

Signature: Roxan Walker

Printed name: Roxan Walker

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

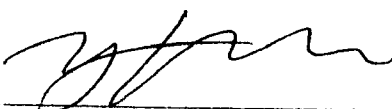
Here comes now, Young Sean Kim pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Young Sean Kim, hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, Young Sean Kim
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Young Sean Kim, hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
3 years, starting in the year of 1999. I hereby state that this is the
truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.

Signed on this day 3 of 4, 2008
Day Month Year

Signature: 

Printed name: Young Sean Kim

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

Here comes now, Shantila Pratheek pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Shantila Pratheek, hereby state that the following is completely true
and factual, and will be held responsible for all statements I, Shantila Pratheek
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Shantila Pratheek, hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
3 years, starting in the year of 1999. I hereby state that this is the
truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.

Signed on this day 3 of 4 / 2008
Day Month Year

Signature: Shantila Pratheek

Printed name: Shantila Pratheek

Exhibit " 5 "

Un-sworn declaration under penalty of perjury

Here comes now, Kentrell Reid pursuant to title 28 section 1746
United States code.

I make the following statement(s) of my personal knowledge to be accurate and truthful.

I, Kentrell Reid, hereby state that the following is completely true
and factual, and will be held responsible for all statements. I, Kentrell Reid
hereby state that Yong Lee has used the mark, "American Deli" as early as of 1999. I,
Kentrell Reid, hereby state that Yong Lee used the mark "American
Deli" in the county of Spalding in the state of Georgia for a period of time of at least
3 years, starting in the year of 1999. I hereby state that this is the
truth, and without any false accusation or false statements.

I here by state that based on my personal knowledge, the foregoing statements are
true under penalty and perjury.

Signed on this day 3 of 4, 08
Day Month Year

Signature: Kentrell C. Reid

Printed name: Kentrell Reid

Exhibit " 5 "